

REMARKS

Applicants submit the Amendment, Petition for Extension of Time, and Request for Continued Examination in reply to the Final Office Action dated March 5, 2003 and the Advisory Action dated June 16, 2003.

In this Amendment, Applicants have added new claims 6-14 to better define the claimed invention. Claims 5, 6, and 10 are the sole independent claims.

Before entry of this Amendment, claims 2-5 were pending in this application. After entry of this Amendment, claims 2-14 are pending in this application.

The originally-filed specification, claims, abstract, and drawings fully support the subject matter of new claims 6-14. No new matter was introduced.

In the last Advisory Action, the Examiner maintained the rejection of claim 5 under 35 U.S.C. §103(a) as being unpatentable over Emerson et al. (U.S. Patent No. 4,351,582) ("Emerson"). The Examiner further maintained the rejections of claims 2-4 under 35 U.S.C. §103(a) as being unpatentable over Emerson in view of Daoud et al. (U.S. Patent No. 6,123,566) ("Daoud"). Applicants respectfully traverse these rejections.

Applicants respectfully disagree with the Examiner's arguments and conclusions, and submit that a *prima facie* case of obviousness has not been established. No proper combination of the cited references, including Emerson, Dauod, and the other art of record, teaches or suggests the present invention as claimed in independent claim 5. Each of claims is drawn to a different combination of structural elements that is patentable over the teachings of the cited prior art.

For example, independent claim 5 recites, among other aspects, "a second connecting body fitted to the first connecting body, the second connecting body having

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a protruding female terminal configured to receive the protruding male terminal, the protruding female terminal having a fork shaped portion with a tip end and a base end". The prior art reference, even if it could properly be modified as suggested by the Examiner, would fail to teach or suggest at least the aforementioned aspect either alone or in combination with the other aspects of the claimed invention.

On page 2 of the Final Office Action, the Examiner asserts that the "Emerson's device fails to explicitly disclose the female terminal with the fork shape and the tip at the base end." The Examiner then goes on to additionally assert that "the male terminal", and thus not the female terminal, "has a fork shape... and a terminal receptor... configured to grip the protruding male terminal". Accordingly, the Examiner has explicitly asserted that Emerson does not teach or suggest the aforementioned aspects of the claimed invention either individually or in combination with the other aspects of the claimed invention. The Examiner, however, then cited In Re Einstein, 8, U.S.P.Q. 166, 167 (CCPA 1931) in asserting that it would have been obvious "to place the fork shape at male terminal with the tip at the base end and the acute angle at the tip end configured to grip a conductive wire instead of the female terminal, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art." In response to Applicants arguments that In Re Einstein was inapplicable and that an explicit motivation was required, the Examiner stated in the Advisory Action that "the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art."

In view of the fact that In Re Einstein is inapplicable to the present case, and that the Examiner has explicitly asserted that Emerson does not teach or suggest the

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aforementioned aspects of the claimed invention, the Examiner has failed to provide a motivation to establish a case of *prima facie* obviousness. M.P.E.P. § 2143. Applicants assert that the alleged motivation set forth in the Advisory Action is an improper conclusory statement insufficient to establish motivation, as “[t]o support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner *must present a convincing line of reasoning* as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pa. App. & Inter. 1985) (emphasis added). In addition, “[w]hen the motivation to combine the teachings of the references is not immediately apparent, it is *the duty of the examiner to explain* why the combination of the teachings is proper.” Ex Parte Skinner, 2, U.S.P.Q.2d 1788 (Bd. Pa. App. & Inter. 1986) (emphasis added). In the present case, the cited references do not expressly or implicitly suggest the claimed invention and the Examiner has not set forth any reasoning or explanation otherwise.

Furthermore, Applicants assert that the Examiner cannot set forth any reasoning or explanation because the downwardly facing transverse grooves 62 of Emerson, which the Examiner alleges are the female terminal, do not receive the prongs 14, 16, which the Examiner alleges are the male terminals. Instead, the prongs 14, 16 of the upper end portion 11 of Emerson are only inserted into the aperture or slots 63, 64 extending inward of the cap 58 (Figs. 6 and 7), so that the upper end of prongs 14, 16 do not interfere with the cap 58. The grooves 62 of the cap 58, on the other hand, receive the conductor covering ridges of the cable 61 together with the upper face 57 of

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the contact carrier insert at the part extending between the slots 63 and 64 of Fig. 6. (Col. 4, lines 8-17). Accordingly, Emerson fails to teach or suggest a protruding female terminal configured to receive the protruding male terminal. Since Emerson fails to disclose the protruding female terminal, it is impossible to reverse something that is not disclosed with the alleged male terminal of Emerson. Moreover, none of the prongs 14, 16 and the apertures 63, 64 or the grooves of Emerson function as terminals. Accordingly, claim 5 would not have been obvious to one of ordinary skill from Emerson at the time the Applicant made the claimed invention.

Indeed, Applicants assert that Emerson teaches against modifying the reference as suggested by the Examiner. Emerson discloses a unitary electrical contact with sturdy opposite end portions 11, 12 adapted to be connected to electrical conductors. An intermediate portion 13 is provided between the end portion 11, 12 to accommodate relative movement of the end portions. (Col. 1, lines 49-56). The upper end portion 12 is adapted to an insulation piercing and displacement function, namely movement of the electrical contact in three directions. (Col. 2, lines 48-52; col. 3, lines 10-46). To the modify Emerson as suggested by the Examiner would result in an electrical contact that is non-unitary and would not be adapted to movement of the various portions, thus impermissibly rendering the prior art unsatisfactory for its intended purpose. See In Re Gordon, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984). If the alleged fork shaped portion of the upper end portion 12 was placed on the downwardly facing transverse grooves 62, as suggested by the Examiner, the cable 61 would have no direct contact with the unitary portion of the electrical contact. Thus, the electrical connection between the cable 61 and the electrical contact would be dependent on a physical connection

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between the upper end portion 12 and the downwardly facing transverse groove 62. Since the upper end portion 12 and the downwardly facing transverse groove 62 are fitted together, and do not constitute a single unitary piece, the movement of the electrical contact would hamper the electrical connection between the two pieces to a much greater extent than if the upper end portion 12, which is a part of the single unitary electrical contact, were directly connected to the cable 61. Accordingly, because Emerson teaches against modifying the reference as suggested by the Examiner, Applicants assert that the Examiner has not met the burden of establishing a *prima facie* case of unpatentability, and thus Applicants respectfully request withdrawal of the rejections and the allowance of independent claim 5 and its dependent claims 2-4.

Applicants also submit that no proper combination of the cited references, including Emerson, Daoud, and the other art of record, teaches or suggests the present invention as set forth in new independent claims 6 or 10. For example, new independent claim 6 recites, among other aspects, "wherein an electrical connection is established between the protruding male terminal and the conductive wire via the protruding female terminal." In another example, new independent claim 10 recites, among other aspects, "a terminal receptor disposed between the prongs, the terminal receptor configured such that the distance between the prongs at the terminal receptor is narrower than a thickness of the protruding male terminal." None of the cited references, including Emerson, Daoud, and the other art of record, teaches or suggests these aspects of the invention either individually or in combination with the other aspects of the invention.

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Applicants further submit that dependent claims 2-4, 7-9, and 11-14 are patentable over the cited references, including Emerson, Daoud, and the other art of record. This is true whether such art is considered alone or in any proper combination at least due to the dependency of claims 2-4, directly or indirectly, from independent claim 5, the dependency of claims 7-9, directly or indirectly, from independent claim 6, and the dependency of claims 11-14, directly or indirectly, from independent claim 10.

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. Should the Examiner not believe that the claims are in condition for allowance, Applicants respectfully request that the Examiner please contact the undersigned representative at (202) 408-4449 to schedule and/or conduct an interview to discuss the application.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: August 5, 2003

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